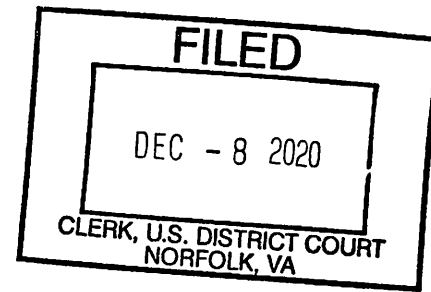


Exhibit 1



**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ISSUANCE OF A CRIMINAL COMPLAINT**

I, David J. Desy, being first duly sworn state:

1. I have been employed as a Special Agent (“SA”) of the FBI since 2004, and am currently assigned to the Norfolk Division. While employed by the FBI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training in forensic software/hardware, child/adolescent interviewing, computer design and networking, computer intrusion investigations, asset forfeiture, informant development, surveillance, case management, victim advocacy and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography (CP)¹ (as defined in 18 U.S.C. § 2256(8)) and child exploitation (CE), and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also received training and conducted investigations involving multiple peer-to-peer (P2P) networks, the Darkweb, The Onion Router (TOR), another other online methods of distributing and receiving CP. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. I have conducted an investigation of the offenses described in this affidavit. As a result of my investigation, information provided by U.S. federal law enforcement agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, including foreign law enforcement agencies, information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by law enforcement agents/analysts and computer forensic professionals, I am familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe THOMAS JOSEPH HOLMSTEDT has engaged in the crime of possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B).

PERTINENT FEDERAL CRIMINAL STATUTES

4. 18 U.S.C. § 2252(a)(4)(B) prohibits any person from knowingly possessing, or attempting to possess or access with the intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if the

¹ I use the terms “child pornography” and “visual depictions/images of minors engaging in sexually explicit conduct” interchangeably in this Affidavit.

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production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

PROBABLE CAUSE TO ARREST THOMAS JOSEPH HOLMSTEDT

5. In August 2019, a foreign law enforcement agency notified the FBI that on April 13, 2019, a user of IP address 70.160.151.223 ("the Target IP Address") accessed images of minors engaging in sexually explicit conduct via a website. The website at issue was an online bulletin board on the The Onion Router ("Tor") network dedicated to the advertisement and distribution of child pornography that operated from approximately 2016 to June 2019. On the site's announcements page was the following text: "this website was created to host videos, photos and discussions of 18 (twinks) and younger of Hurtcore materials (videos & pictures) as well as discussion of such." Hurtcore refers to violent pornography.

6. The Tor network is a computer network available to Internet users that is designed specifically to facilitate anonymous communication over the Internet. To access the Tor network, a user must install Tor software. That is most easily done by downloading the free "Tor browser" from the Tor Project, the private entity that maintains the Tor network. The Tor browser is a web browser that is configured to route a user's Internet traffic through the Tor network. Unlike standard Internet websites, a Tor-based web address is comprised of a series of at least 16 and as many as 56 algorithm-generated characters, followed by the suffix ".onion."

7. An administrative subpoena issued to Cox Communications on or about September 11, 2019, regarding the Target IP Address identified the account holder as Thomas Holmstedt, with an account active since 2005 at an address in Virginia Beach, Virginia ("the Virginia Beach residence").

8. On June 23, 2020, the Honorable United States Magistrate Judge Douglas E. Miller of the United States District Court for the Eastern District of Virginia authorized the installation and use of a pen register/trap and trace ("PRTT") device to record, decode and/or capture all dialing, routing addressing and signaling information associated with each communication to or from the Target IP Address. Analysis of the data provided pursuant to that PRTT order revealed evidence that a user of the internet at the Virginia Beach residence regularly accessed the Tor network, over a total of 200 times, beginning June 26, 2020, and continuing through August 21, 2020.

9. On August 21, 2020, the Honorable United States Magistrate Judge Lawrence R. Leonard of the United States District Court for the Eastern District of Virginia authorized a search warrant for the Virginia Beach residence. On August 25, 2020, agents from the FBI executed the search warrant. HOLMSTEDT and his wife were present and identified as the only full-time residents of the Virginia Beach residence. HOLMSTEDT refused to discuss anything regarding child pornography. After voluntarily signing an advice of rights form, he stated that all electronic devices in the residence were his. HOLMSTEDT also stated that he was familiar with The Live Amnesic Incognito Live System ("TAILS"), an operating system that preserves anonymity by routing internet traffic through Tor.

10. The TAILS operating system and artifacts of TAILS and Tor use were found on several devices in HOLMSTEDT's residence, including on an HP laptop computer in his bedroom closet registered to "TJ" (a match to HOLMSTEDT's first and middle names). Further, a SanDisk MicroSD card found in a dresser drawer in HOLMSTEDT's bedroom contained the TAILS operating system and a text file entitled "Simple links." That text file contained a number of bookmarked website links to Tor sites known to contain and file-share images of minors engaging in SEC. Many titles for the bookmarks contained express references to minors, such as "Baby," "chinese girls," and "toli."

11. Forensic review of electronic devices seized during the execution of the search warrant revealed two electronic devices containing visual depictions of minors engaging in SEC. First, a wireless 1 Terabyte Western Digital external hard drive, manufactured outside of the Commonwealth of Virginia and found in the hallway of HOLMSTEDT's residence, contained 128 such images, all of which depict an adult male inserting a tampon into the anus of a female infant. These images were found in the thumbnail cache. The thumbnail cache is created when a larger image file is viewed as a thumbnail by a computer user.

12. Second, a 400 Gigabyte SanDisk MicroSD card manufactured outside of the Commonwealth of Virginia and found in a desk drawer in the spare bedroom that THOMAS HOLMSTEDT's adult son, Rachid Holmstedt,² occasionally uses. The MicroSD card 739 images and two videos depicting minors engaging in SEC. All of the images depict a female child between eight and ten years old performing oral sex on an adult male's penis. One video involves a prepubescent female child between four and seven years old having a n adult male's penis ejaculate in her mouth and on her face. All of these files were found in slack space, indicating that they had been deleted but not yet overwritten.

13. The Internet is an interconnected network of computers with which one communicates when online, is a network that crosses state and national borders, and is a means and facility of interstate and foreign commerce.

14. Virginia Beach is in the Eastern District of Virginia.

15. On December 7, 2020, the affiant was notified by Virginia Beach Police Department ("VBPD") that THOMAS HOLMSTEDT was taken into custody after VBPD received a complaint from his son, Rachid Holmstedt, who was concerned that THOMAS HOLMSTEDT was suicidal. VBPD reported the following to the affiant: VBPD encountered THOMAS HOLMSTEDT at a dock in Rudee Inlet. He identified that he was a target of a federal investigation and had planned to commit suicide that day. HOLMSTEDT had chartered a fishing boat under the pretense of scattering the ashes of a loved one out at sea, and the captain and first-mate of the boat agreed to give HOLMSTEDT privacy at the back of the boat while they were out at sea. HOLMSTEDT purchased a .38 Special pistol and brought weights with

² Rachid Holmstedt was called to the Virginia Beach residence during the execution of the search warrant. He informed law enforcement that he resided at the Virginia Beach residence about half the time, but that due to COVID-19 exposure concerns, he had not been at the residence at all between August 14, 2020 and August 21, 2020, during which time the PRTT analysis noted regular Tor activity at the Virginia Beach residence.

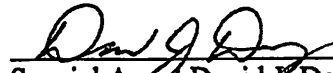
him, planning to shoot himself in the head, fall overboard and the weights would help his body sink. When taken into custody, HOLMSTEDT had on his person the pistol, the weights, anti-anxiety medication, \$1,000 cash, and three sealed letters he had written to his son, to law enforcement, and to the U.S. Coast Guard. HOLMSTEDT was taken into custody and is scheduled to be sent to a psychiatric center for a 72-hour evaluation.

CONCLUSION

16. Based on the information and evidence set forth above, I respectfully submit that there is probable cause to believe that THOMAS JOSEPH HOLMSTEDT, on or about August 25, 2020, knowingly possessed matter which contained a visual depiction that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which have been mailed and so shipped and transported, by any means including by computer, and the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, and at least one visual depiction depicted a prepubescent minor and a minor who had not attained 12 years of age.

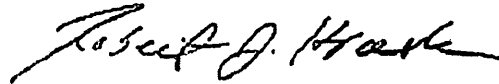
17. Accordingly, I request that a complaint be issued charging THOMAS JOSEPH HOLMSTEDT with such offenses.

FURTHER AFFIANT SAYETH NOT.



Special Agent David J. Desy
Federal Bureau of Investigation

SUBSCRIBED and SWORN before me on this 8th of December 2020 by telephone.



UNITED STATES MAGISTRATE JUDGE
UNITED STATES MAGISTRATE JUDGE